

PLANNING BOARD MINUTES
NOVEMBER 03, 2014

Call The Meeting to Order

Chairman David Plunkett called the meeting to order at 7:05 P.M. in the Town Hall Auditorium. Present at the meeting were, Stephen Johnson, Robert Fowler, Nancy Reed, Vincent Fratalia, Director of Community Development Steve Sadwick and Recording Secretary Dawn Cathcart.

(A) Committee Reports/Administrative Actions

(A1) Zoning Bylaw Subcommittee

Mr. Sadwick stated that the subcommittee met last week and could schedule a meeting for next week either on November 10th or November 13th. Mr. Plunkett asked Mr. Sadwick to look at November 10, 2014 at 7:00 PM in the DPW Conference Room for the possible next meeting.

(A2) Master Plan

Mr. Sadwick stated that they are waiting for follow up dates for the small group interviews. Mr. Plunkett asked if Planning Board members will be included. Mr. Sadwick stated that the Board members will be invited with the groups that they are associated with.

(A3) Committee Reports

There were no committee reports.

(A4) 54 French Street, As-Built and Bond Release

Mr. Sadwick stated that the request for the bond release came in by phone asking that the Board accept the as-built and release the bond. This was a one lot subdivision with a shared driveway. The Town Engineer told him verbally that he has no issues with this.

MOTION - Mr. Johnson made a motion to accept the as-built and release the bond for 54 French Street. The motion was seconded by Mr. Fowler and unanimously voted 5-0.

(A5) 1877 Main Street, Airport Industrial Condominium Trust ANR

Mr. Plunkett stated that the applicant has asked this ANR be continued until December 1, 2014 as an administration action.

(B) 743 Main Street, Tewksbury Village Condominiums, LLC Site Plan Special Permit/Village Residential Overlay District (VROD) Special Permit

MOTION - Mr. Johnson made a motion to waive the reading of the public hearing notice. The motion was seconded by Mr. Fratalia and unanimously voted 5-0.

Dick Cuoco, Jeff Rider, Kim Hazarvartian, Lorraine Black, Robert Pondelli and Joseph Laliberte appeared for the Site Plan Special Permit/VROD Special Permit. Mr. Cuoco stated that this site incorporates two properties at the corners of Main Street, Marshall Street and Jerome Road. The existing sites currently have a doctor's office and single family home both are currently empty and will demolished. The proposal will combine the two lots and construct a two-story building in the front with light commercial in the bottom floor and four residential units on the second floor. The uses will consist of uses like real estate office, hair salon, etc and there will be no restaurants.

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Mr. Cuoco stated that in the back, there will be eight residential townhouses. There will be landscaping dividing the two uses. This site will also use porous pavement with the residential units using porous pavers. They are proposing having the sidewalks pulled back onto our property on the three streets.

Ms. Black stated that they will have landscaping around the commercial building to include honey locust and red maples as well as grass with perennial flowers. They will try to keep most of the existing trees along the west side of the property. They are also proposing a 6' high board fence between the residential and commercial uses and a small picket fence behind each residential unit.

Mr. Fratalia stated that there is minimum loam and seed on site. Ms. Black replied that was correct, it will only be around the commercial building.

Mr. Hazarvartian provided a traffic assessment report. The site distances are adequate and a trip generation table was done. The AM peak will be 10 trips (3 in and 7 out) and at the PM peak there will be 14 (8 in and 6 out) trips. The Saturday peak will be 14 (7 in and 7 out).

Mr. Plunkett asked if a peer analysis was done on the traffic. Mr. Sadwick replied no, but if the Board wants it can be forwarded. Mr. Fowler stated that the traffic analysis report seems adequate for the project. Mr. Sadwick stated that it was brought up during the IDR that they should look at 1-way traffic onto Marshall Street.

Mr. Fratalia asked if the business uses are not known how they can know the parking is adequate. Mr. Cuoco stated that according to the bylaw the spaces cannot be over 1,200 SF, so the parking will be adequate.

Mr. Johnson asked what the previous uses were. Mr. Hazarvartian replied that there was a doctor's office and a lawyer's office in the front building.

Mr. Cuoco stated that there was a discussion about one-way traffic. Mr. Sadwick stated that the Town Engineer is concerned with the speed of the traffic turning onto Marshall Street from Main Street because there have been a number of prior accidents at this intersection.

Mr. Cuoco stated that they will be requesting waivers from Sections 5420, 8628, 5124, 5180 and Chapter 19, Storm Water Management.

Mr. Cuoco also mentioned in the Town Engineer letter that the existing asbestos water line in Marshall Street needs to be replaced with ductile iron to Squire Lane but they believe it should be Tareila Circle, which is the next intersection. Mr. Cuoco stated that they will be modifying the lighting illuminations plan to show the zero cutoff.

Mr. Rider stated that in the GCG memo dated October 22, 2014, #12 does not make sense. This deals with the infiltration systems and using porous pavement gives them an 80% TSS removal credit. This comment is impossible to meet. It means they would have to catch the rainwater before it hits the ground, treat it and then let it go into the porous pavement. They have provided a cross-section of the porous pavement and this is a different philosophy of porous pavement than previously approved projects. Mr. Cuoco stated that they would need to file a NPDES. Mr. Fowler stated that he is concerned with why GCG has now changed their philosophy regarding the porous pavement and he would like to find out why.

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Mr. Johnson stated that since there is no plan for sidewalks in this area he is ok with the sidewalks as presented. Mr. Johnson asked how the porous pavement is working with current projects. Mr. Cuoco stated that we just had 5" of rain and Bella Woods was dry. It is working great.

Mrs. Reed stated that she likes the landscape plan but there are still a lot of questions to be answered. Mrs. Reed asked if additional trees could be added along the back of the residential units to provide screening to the existing neighbors. Mr. Cuoco stated that they would look at adding some trees.

Mr. Fratalia asked if the trees would present a line of sight issue when they grow. Ms. Black replied no, they are shade trees and the branches are higher so they won't pose a problem with line of sight.

Mr. Plunkett stated that he has no problem with the internal pedestrian flow but we should address the sidewalks along Main Street. We should look at design guidelines for the overlay. The sidewalks should be constructed in the right of way. Mr. Cuoco stated that we could push the sidewalks to Main Street and Marshall Street into the right of way but they would like to leave the sidewalks on their property along Jerome Road because they are trying to preserve the existing trees. The sidewalks would be connected on the three sides. Mr. Plunkett stated that there was a question the GCG memo #20, which questions the traffic trips. Mr. Hazarvarian stated that we did not take credit for multi-use trips, our numbers are more conservative.

Mr. Fowler stated that the sidewalks should be at the lot line not in the taking. Mr. Plunkett stated that the sidewalks should be useable for the public.

Frank Matley of 3 Tareila Circle – Mr. Matley asked if they actually watched the traffic. It is a dangerous intersection. Mr. Hazarvarian stated that he did walk Marshall Street to get the line of sight. Mr. Matley stated that there will be one exit onto to Marshall Street and Jerome Road. Mr. Cuoco replied that was correct.

Chris Morgan of 8 Jerome Road – Mr. Morgan stated that the Marshall Street entrance will be choke point. There is no traffic on Jerome Road now, so any increase will be a huge impact. The only traffic now is him and his neighbors. He feels that there doesn't need to be two entrances/exits. Mr. Morgan would like to make sure the trees are kept along Jerome Road.

Lisa Mueller of 21 Marshall Street – Ms. Mueller stated that there is a 6' fence proposed abutting her property and that is where the snow storage will be. Who will maintain that fence, because if they push snow against it, it will fall down? Ms. Mueller asked if this area was the only snow storage on the site. Mr. Cuoco replied no, there are several snow storage sites on the property and if there is too much snow, they will remove it off the site. Ms. Mueller asked how much is too much snow. Mr. Cuoco replied it will not go over 6' fence. Mr. Plunkett stated that if this is approved, they have an obligation under the Special Permit to maintain the fence. There is enforcement under the Special Permit. Ms. Mueller stated that she wants to make sure the line of sight coming out of her driveway is not blocked by the proposed fence. Mr. Cuoco stated that we can add a note, that the fence at the corner be angled and no more than 3' high. Ms. Mueller stated that this will only be 15.7' from her house. Mr. Plunkett stated that the planting should also be low lying so not to block the driveway.

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Ben Morey of 6 Jerome Road – Mr. Morey stated that this will be an improvement over the buildings that are there now but his biggest concern is the egress from the site. If there is one way exit, then all the traffic will come down Jerome Road to get back onto Marshall Street and asked them to look at angling the exit on Jerome and Marshall Street so they are right hand turn only. Mr. Morey also asked that the trees or arborvitaes be added along the back instead of just the fence. Mr. Morey asked if this would be low income housing. Mr. Cuoco replied no. Mr. Cuoco stated that they could take the triangle at the entrance and angle them to only allow a right hand turn exit on both Marshall Street and Jerome Road.

Stephen Papeacos of 728 Main Street – Mr. Papeacos asked where the cars would go if there is not enough parking. Mr. Cuoco stated that there would be 3,524 SF of retail space. This would require 18 parking spaces and the four residential units would require two spaces each with two guest spaces for a total of 10 spaces. They are providing 28 parking spaces total for the front section. In the back there are eight units with 2 spaces each and 4 guest spaces for a total of 20 spaces required. They are proposing 4 total extra spaces. Mr. Cuoco stated that the overlay gives no relief for parking, so the requirements must be met.

Paula Bowden at 36 Marshall Street – Ms. Bowden stated that there is so much vacant retail space why is there a need to build another strip mall. The unit at Galloway's was vacant for seven years. Mr. Plunkett stated that in that case, it was tied up in litigation for a number of years. Ms. Bowden replied that traffic is a major concern. Trying to take a left onto Main Street from Marshall Street is very dangerous. Ms. Bowden asked if there will be direct access into this site from Main Street. Mr. Plunkett replied no, it will have access from Marshall Street or Jerome Road. Ms. Bowden stated that this neighbor is primarily single family homes and this project should blend with the current look of the neighborhood.

Ray Thompson of 42 Marshall Street – Mr. Thompson asked if the water table has been looked at because of all the new construction he is now getting water. Mr. Thompson asked if they will have slabs or full foundations. Mr. Plunkett replied that they will have slabs and the Town Engineer will be reviewing the porous pavement to make sure the calculations work out. Mr. Thompson stated that the traffic on Marshall Street is very fast.

Mr. Fowler stated that perhaps we could talk with the safety officer and see if we can add exclusion for truck traffic on Marshall Street.

MOTION - Mr. Fratalia made a motion to continue the public hearing for 743 Main Street until November 17, 2014 at 7:20 PM. The motion was seconded by Mr. Fowler and unanimously voted 5-0.

(C) Laurier Avenue, Brian J. Smith and Donna Walsh Definitive Subdivision Continued

Mr. Sadwick stated that the applicant has requested a continuance until the next meeting.

MOTION - Mrs. Reed made a motion to continue the definitive subdivision for Laurier Avenue until November 17, 2014 at 7:15 PM. The motion was seconded by Mr. Johnson and unanimously voted 5-0.

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(D) 23 Pine Street, Nancfour LLC, Family Suite Special Permit Continued

Attorney Robert Scarano and Keith Anderson appeared for the continued family suite special permit for 23 Pine Street. Attorney Scarano stated that they have amended the application and will transfer the property by deed to themselves as individuals. The owners of the property will be Keith Anderson Sr., Nancy Anderson and Keith Anderson Jr. They ask that as a condition of approval, the new deed will be recorded.

MOTION - Mr. Fowler made a motion to close the public hearing. The motion was seconded by Mr. Johnson and unanimously voted 5-0.

MOTION - Mr. Fowler made a motion to approve the Family Suite Special Permit for 23 Pine Street with the condition that a new deed be recorded at the Northern Middlesex Registry of Deeds with ownership of the property to be Keith Anderson Sr., Nancy Anderson and Keith Anderson Jr. as individuals. The motion was seconded by Mr. Fratalia and unanimously voted 5-0.

(E) Main and Victor - Concept Discussion

James Hanley, Marc Ginsburg and Dick Cuoco appeared for a conceptual discussion for the property at Main Street and Victor Drive. Mr. Cuoco stated that they are proposing two garden style buildings that would hold 96 residential units each. There will be one covered parking space per unit. The second phase of the project would be the commercial project on Main Street.

Mr. Hanley stated that there are three proposed commercial projects. The first option is an “L-shaped” building that would be 30,000 SF of retail space and 12,000 SF of office space. There will be 197 parking spaces. There will be one access off of Main Street and one off of Victor Drive. The second option is three smaller buildings. There would be two 5,000 SF “U-shaped” building and this would have 169 parking spaces. The third option is a smaller “L-shaped” building that would be 26,000 SF and they would keep the existing residence on site with an addition and this would house a six unit residential building.

Mr. Hanley stated that two residential building in the back will be 5 stories. These are higher than normal but it is a large site and is setback from Main Street. Mr. Ginsburg stated that this is similar to the Omni building across the street. The end units will be 4 stories and the 5 stories will be in the middle.

Mr. Fratalia stated that he likes the buildings in the back and asked if there will be a walking area to the commercial site. Mr. Ginsburg replied that to make this commercial area a destination area they would need an anchor store but he is looking at connecting the sidewalks from this site to Livingston Street.

Mrs. Reed stated that this will add a substantial amount of housing and this will have an impact to Main Street traffic. Mrs. Reed stated that she appreciates the fact of trying to keep the existing house. Mr. Ginsburg stated that if they keep the house, he could move it to the other side of the Hawthorne site. Mrs. Reed stated that she is concerned with the number of units. Mr. Ginsburg stated that the number of units would be allowed by the MFD zone and the history of the site and acreage of the site should also be considered.

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Mr. Cuoco added that there would be an affordable component since these will be rentals.

Mr. Johnson stated that he likes the second option with the commercial project but perhaps with a detailed design he would consider the other options. Mr. Ginsburg stated that the commercial site has four acres and they would need to get a tenant before the final design is completed.

Mr. Fowler stated that they should look at a no right turn on Victor Drive exit. Mr. Fowler stated that he also likes the second option for commercial. Mr. Fowler stated that he does not mind the height of the back buildings because they are set so far back from Main Street. Mr. Fowler asked if there will be elevators in the apartment buildings. Mr. Ginsburg replied yes.

Mr. Plunkett stated that he also likes the second option. Mr. Plunkett stated that the Villa Roma 5 story building was part of a 40B project. Mr. Sadwick stated that the dimensional requirement can be waived. Mr. Ginsburg stated that the actual units would not be over the 60', only the roof line will be. Mr. Plunkett stated that the original approval had about 80 units. Mr. Ginsburg replied yes, but they did not use the entire site.

Old Business

Mr. Sadwick provided the letter that was sent to 464 Woburn Street today. He has seven days to contact the office. Mr. Fowler stated that this be added to the agenda on November 17, 2014. Mr. Sadwick stated that we can setup the revocation hearing for the December 1, 2014 meeting.

New Business

Mr. Sadwick presented the proposed 2015 Planning Board meeting schedule.

Director's Report

Mr. Sadwick stated that the Wamesit Lanes decision and plans are ready to be signed.

Adjournment

MOTION - Mr. Fowler made a motion to adjourn the meeting at 9:30 PM. The motion was seconded by Mr. Johnson and unanimously voted 5-0.

Approved on: 11/17/14

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List of documents for 11/3/14 Agenda

Documents can be located at the Community Development Office

- A. 7:00** Committee Reports/Administrative Actions
- 1- Zoning Bylaw Subcommittee
 - 2- Master Plan
 - 3- Committee Reports
 - 4- 54 French Street, As Built, Bond Release
 - *As-Built Plan of Land, dated October 10, 2014.*
 - 5- 1877 Main Street, Airport Industrial Condominium Trust ANR (*Applicant requesting to be continued to 12/1/14.*)
- B. 7:10** 743 Main Street, Tewksbury Village Condominiums, LLC
Site Plan Special Permit/ Village Residential Overlay District
Special Permit
- *Application packet dated 11/2/14.*
 - *Email dated 10/19/14 from abutter, Dohn Bowden.*
 - *IDR held 10/21/14*
 - *Memo 10/9/14 fr Fire Department.*
 - *Memo 10/15/14 fr Building Commissioner.*
 - *Memo 10/20/14 fr Director of Public Health.*
 - *Response letter 10/27/14 re: Building Dept comments fr Cuoco & Cormier.*
 - *Response letter 10/27/14 re: Fire Dept comments fr Cuoco & Cormier.*
 - *Review letter 10/22/14 fr Mike Carter, GCG Associates.*
 - *Review letter 10/28/14 fr Kevin Hardiman, Town Engineer.*
 - *Landscape Plan; prepared for: Tewksbury Village Condominiums; prepared by: Lorayne Black; date October 3, 2014 and proposed plants rendering.*
 - *Porous Pavement Section (Driveway Aisle) rendering received 11/3/14.*
- C. 7:15** Laurier Avenue, Brian J. Smith and Donna Walsh
Continued Definitive Subdivision
(*Applicant requesting to be continued to 11/17/14.*)
- *Letter from Attorney O'Neill, dated 10/30/14 requesting to be continued to 11/17/14.*
- D. 7:20** 23 Pine Street, Nancfour LLC
Continued Family Suite Special Permit Hearing
- *Letter 10/31/14 from Attorney Scarano including amended application and proposed deed.*
- E.** Main and Victor – Conceptual Discussion
- *Victor Drive at Main Street Conceptual Layout Plan Drawings #CP-1, #CP-2 & #CP-3; dated October 28, 2014; prepared by Civil Design Constants, Inc.; owner: Marc P. Ginsburg & Sons, Inc.*
 - *Renderings.*